

ENTERED

November 11, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

FEDERAL TRADE COMMISSION,	§ CIVIL ACTION NO 4:24-cv-02508
Plaintiff,	§ § §
vs.	§ JUDGE CHARLES ESKRIDGE § §
TEMPUR SEALY INTERNATIONAL INC, <i>et al</i> ,	§ § §
Defendants.	§

MINUTE ENTRY AND ORDER

Minute entry for PRETRIAL CONFERENCE before Judge Charles Eskridge on November 8, 2024. All parties present and represented by counsel.

The Court addressed topics raised in the joint email sent from the parties on November 7, 2024, which largely consisted of logistical matters.

It was ORDERED as follows.

Trial schedule. The trial day are anticipated to start at 8:30 a.m. Each day will consist of at least six hours of presentation.

Confidentiality. Matters of confidentiality and seal will be addressed in closed session prior to the commencement of the day's evidence. The parties should notify the Case Manager in advance as to the amount of time needed on a given day.

Third-party motions to seal. Such motions will be addressed either during the closed morning sessions or, if necessary, before testimony by a third-party witness.

Responses in opposition must be filed within a reasonable time prior to the expected testimony of a witness.

Leading questions. Leading questions that aid speed and comprehension of testimony will be allowed. Objections in this regard may still be raised as to specific questions.

Submission of FoF and CoL. The parties will meet and confer on a joint submission date during the week of December 9, 2024.

Closing arguments. Closing arguments were set for the afternoon of December 16, 2024.

Private court reporter. The parties may utilize their own court reporter to aid real-time transcripts. Space will be provided in the courtroom. For the avoidance of doubt, the Court's ERO will provide and maintain the official record of proceedings.

The Court addressed the motion by Defendants to exclude the expert report and testimony of Kevin Hearle. The motion was DENIED WITHOUT PREJUDICE for the reasons stated on the record. Dkt 192. Specific objections will be addressed as raised during the evidentiary hearing.

The Court addressed the sealed motion by Plaintiff in closed session. Dkt 225. Decision was RESERVED for reasons stated on the record. The matter can be presented again during the evidentiary hearing.

SO ORDERED.

Signed on November 8, 2024, at Houston, Texas.


Hon. Charles Eskridge
United States District Judge